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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,791

10/16/2003

Kurt E. Heikkila

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7590

07/31/2006

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EXAMINER

ROSSI, JESSICA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,791	<b>Applicant(s)</b> HEIKKILA, KURT E.	
	<b>Examiner</b> Jessica L. Rossi	<b>Art Unit</b> 1733	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/25/06, Amendment.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment dated 5/25/06. Claims 17, 31 and 35-36 were cancelled.
2. All rejections set forth in the previous action dated 1/25/06 are being maintained in the present office action.

### *Response to Arguments*

3. Applicant's arguments filed 5/25/06 have been fully considered but they are not persuasive.
4. On p. 9 and 10 of the remarks, Applicant argues that Guhl '251 teaches groove glazed construction as an alternative to bed glaze construction and since Guhl identifies a shortcoming with groove glazed construction, without any showing or suggestion of how to overcome this problem, one skilled in the art would not be motivated to use the groove glazed construction of Guhl.

One having ordinary skill in the art reading Guhl would have readily appreciated that while Guhl may *prefer* to use the bed glaze construction, the reference clearly does not exclude groove glazed construction as an option (column 5, lines 4-40). Guhl's identification of the shortcoming associated with groove glazed construction does nothing to change the fact that Guhl still considers this construction to be an option used in his method. In fact, Guhl's identification of the shortcoming works in the Examiner's favor – if Guhl had failed to specifically mention that the shortcoming relates to the *adhesive being pushed aside by the edge of the glazing when the glazing is inserted into the sash*, then the examiner would have to agree

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that insufficient motivation exists to modify the teachings of Guhl, in the manner done by the examiner in the previous action, so as to render Applicant's claimed invention obvious.

However, Guhl's identification of this specific shortcoming allows one to readily appreciate that by reducing the friction between the adhesive and glazing one can prevent the adhesive from being pushed aside and therefore remedy the problem acknowledged by Guhl. This then provides one with motivation to look to teachings where friction between an adhesive and glass surface is reduced, even if those teachings are not specific to the groove glazed construction art, as the examiner did in the previous action.

5. On p. 9 of the remarks, Applicant argues that Sigafos discloses a tape applicator that is only capable of applying glazing tape on an open ledge of a window sash, as is done in bed glazing.

The examiner points out that the previous action was only relying on the *prior art* of Sigafos (column 1, lines 13-25). The prior art of Sigafos never mentions bed glazing and therefore any suggestion by Applicant that it does would be mere speculation. Regardless, the examiner was only relying on the prior art of Sigafos for its general teaching in the window art of bonding and sealing a glass unit within a sash or frame using a pre-formed adhesive strip that is applied to the sash or frame before the glass unit is secured to the adhesive for the obvious benefit of being able to easily store, ship and handle the pre-formed adhesive and/or the frame or sash having the pre-formed adhesive thereon before installation of the glazing unit takes place.

6. On p. 9-11, Applicant argues that Futhey and Pitzen are non-analogous art with respect to Guhl and therefore one would not be motivated to modify Guhl in view of these references as was done by the examiner.

The examiner points out that Applicant is arguing these references in a vacuum. The examiner fully appreciates that neither Futhey nor Pitzen are directed to groove glazed construction but they clearly provide a more general teaching of reducing friction between an adhesive and glass surface by applying a temporary adhesion blocker to the adhesive. Therefore, one looking to reduce adhesion between an adhesive and a glass surface, as one would be in Guhl, would clearly be motivated to look to the teachings of Futhey and Pitzen, regardless of the final product being formed in the respective references.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JESSICA ROSSI  
PRIMARY EXAMINER

